

REMARKS

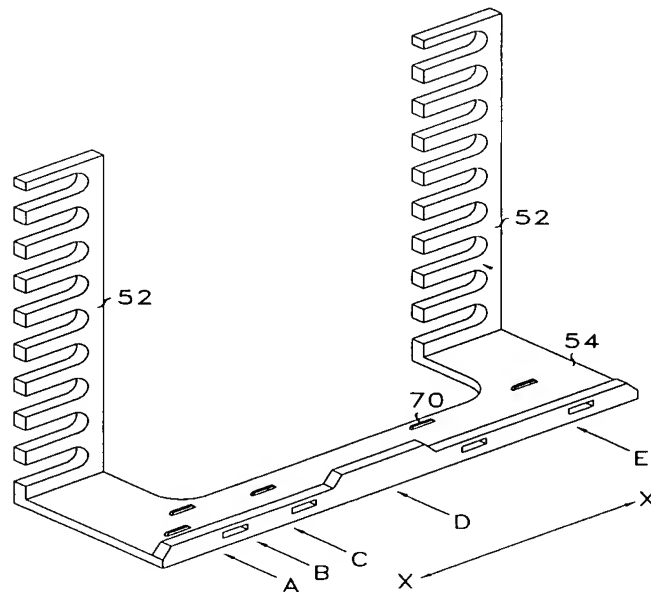
Claims 1, 2, 4, 5, 6, 8, 12, and 13 were rejected under 35 USC 102 as being anticipated by MacDonald, US Patent 6,170,784 ('784). Applicants respectfully traverse.

The Examiner asserts that the '784 reference discloses:

- a cable management device comprising a trough element 54, (assertion I)
- having a U-shaped cross section, and (assertion II)
- a support subassembly (52) that is adjustable to enable the trough opening to be an adjustable distance from the apparatus. (assertion III)

Applicants respectfully disagree.

The '784 reference has a cable holder (manufactured as a single part) that is referenced in the patent text as being comprised of two elements: element 52, and element 54. This holder is shown below.



Relative to assertion I, it is noted that in the English language, a **trough** is a long, narrow, shallow receptacle that is used to channel the flow of something that disperses easily (such as liquid, or grain). When the two ends are closed-up, a trough is used to hold something that would otherwise disperse easily. By virtue of the functionality of a trough, its cross section is generally uniform along its length (because no purpose is

served by having different cross sections). This is what a trough is, and even when it is used for channeling something other than what disperses easily, such as when guiding cables, the understanding of what a trough is, and what it means, does not change.

This is the sense in which the term is used within applicants' specification, this is the normal meaning of the term, and this is how it should be interpreted in the context of applicants' claims.

Turning attention to element 54, the most reasonable axis for the "long" dimension of the trough (from the standpoint of supporting the Examiner's position) is the one designated by the line segment XX in the drawing above, and the cross section of the "trough" is the one that would be found by making a cut in a vertical plane at any of the lettered arrows (A through E).

Viewing the cross section at these points, one is forced to conclude that (a) the cross section of the "trough" is not one that is adapted to channel something that disperses easily, such as liquid, grain, etc., and (b) the cross section is clearly not uniform. Therefore, it is respectfully submitted that since element 54 has none of the characteristics of a trough, it simply is not a trough.

Relative to assertion II, it is noted that the cross section of element 54 "trough" is not U-shaped in any of the lettered-arrow points (shown below) and, indeed, is not U-shaped anywhere.

Cross Section A:



Cross section B:



Cross section C



Cross section D



Cross section E



This overcomes the rejection of claim 12.

Relative to assertion III, at page 3, line 7, of the Office Action the Examiner asserts that the apparatus is something that comprises a rack, and at line 11 the Examiner

asserts that the apparatus is the communications rack with uprights 14 and 16. Indeed, at col. 4, line 38 rack 12 is said to include uprights 14 and 16. Thus, the Examiner is correct in asserting that uprights 14 and 16 are part of the “apparatus” referred to in claim 1, but it should be noted that uprights 14 and 16 are the only portion of rack 12 that is depicted in any of the ‘784 reference FIGs. and, therefore, when it comes to analysis of the drawings, uprights 14 and 16 constitute “the apparatus.”

FIG. 1 of the reference shows subassembly 52 being attached to flanges 26 and 27 of panel 24, and also attached (through the flanges) to support members 14 and 16; i.e., to “the apparatus.”

It is respectfully submitted, however, that according to the teachings found in the ‘784 reference, the attachment of element 52 is always the same – and resulting in the same distance from the apparatus. More specifically, element 52 is always removed from the apparatus precisely by the thickness of panel 24. *Since element 52 is at a fixed distance from the apparatus, it follows that element 54 is at a fixed distance from the apparatus.*

Turning attention to claim 1, it specifies (a) a trough element, and (b) a support subassembly that is “adapted to be fixedly attached to an apparatus in a manner that causes said trough opening to generally face said apparatus.” As demonstrated above, element 54 is not a trough element. Therefore, applicants respectfully submit that claim 1 is neither anticipated nor made obvious by element 54.

As for the subassembly and its attribute that it is adapted to be attached in a manner that causes the trough opening to generally face the apparatus, the Examiner asserts that

The support subassembly is capable of being fixedly attaches via fasteners (28) to the apparatus (12) in such a way that the trough opening faces the uprights (14,16) or the apparatus, for example by mounting the support subassembly to the top or bottom of the uprights.

Applicants respectfully disagree. Regardless of whether element 52 is attached to the bottom-most hole of uprights 14 and 16, or to the top-most hole of uprights 14 and 16, the **orientation** of the opening of the “trough” remains the same, facing away from the uprights. Consequently, applicants respectfully submit that the subassembly limitation of claim 1 is also not met by the ‘784 reference.

Since neither the first nor the second elements of claim 1 are described or suggested in the '784 reference, it is clear that claim 1 is neither anticipated nor rendered obvious by the '784 reference.

Since claim 1 is neither anticipated nor rendered obvious by the '784 reference, it follows that claims 2, 4, 5, 6, 8, and 12, by virtue of their dependence on claim 1, are also not anticipated nor rendered obvious by the '784 reference.

The same argument applies to claim 13 and to the claims that depend thereon.

It may be noted, relative to claim 2, that it specifies that the subassembly "is adjustable to enable said trough opening to be at an adjustable distance from said apparatus." The above already demonstrated that the Examiner's assertion III is invalid in the sense that the distance between element 54 and the apparatus is fixed and, therefore, claim 2 is not anticipated by the '784 reference. Additionally, the Examiner's assertion III does not specify what is adjustable in the support subassembly. Actually, the only adjustable aspect of the subassembly is the ability to cut-off a portion of the subassembly. That, however, is not adjustment of distance between element 54 and communication rack 12. In fact, it is not an adjustment of any distance relative to element 54. Hence, applicants believe that claim 2 is neither anticipated nor rendered obvious by the '784 reference.

Claims 1, 4, and 9-13 were rejected under 35 USC 102 as being anticipated by Saito et al, US Patent 6,300,651 ('651). The Examiner points to FIG. 7, which shows a trough element and a support assembly (57). The trough opening of the '651 device faces and abuts the apparatus to which it attaches. That is, no distance exists between the trough opening and the apparatus.

Claims 1 and 13 are amended herein to specify a non-zero distance between the trough opening and the apparatus to which the trough element is attached by means of the support subassembly, and it is respectfully submitted that, as amended, Saito et al clearly do not anticipate claims 1 and 13 or render them obvious. Claims 4 and 9-12 are patentable over Saito et al at least by virtue of their dependence on claim 1. It is noted, for example, that claim 11 specifies a trough element that includes slots in bottom of the trough to enable the trough element to in two directions. The trough element in Saito et al does not have slots in the bottom of the trough.

Claims 1-3, 12 and 13 were rejected under 35 USC 102(e) as being anticipated by Deciry et la, US Patent application publication No. 2002/0047073 A1. Applicants respectfully traverse, and in support of this traversal, applicants submit a Rule 131 Declaration with accompanying proofs, that demonstrate an invention date that precedes the filing date of the reference.

Claims 7 and 9 were rejected under 35 USC 103 as being unpatentable over the '784 reference. Applicants respectfully traverse. Since claim 1 is not obvious in view of the '784 reference, it follows that claim 7 and 9 are not obvious in view of the '784 reference.

In addition to the above-mentioned Rule 131 Declaration, included herewith a Rule 132 Declaration that comports with the above analysis and conclusions relative to the attributes of the cable holding component of the '784 reference.

Additional claims are included for the Examiner's consideration, which claims are fully supported by the specification, and also believed allowable over the known art.

In view of the above amendments, remarks, and the two Declarations, it is respectfully submitted that all of the Examiner's rejections have been overcome. Reconsideration and allowance are respectfully solicited.

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